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The situation in the Middle East
Question of Palestine

Security Council
Fifty-sixth year

Letter dated 13 March 2001 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a statement adopted by the Council of Ministers of the United Arab Emirates at its meeting held on 12 March 2001 under the chairmanship of His Highness Sheikh Sultan Bin Zayed Al Nahyan, Deputy Prime Minister. The text affirms the well-established positions of the United Arab Emirates on the question of Palestine, the situation in the Middle East and developments in the peace process as well as its position with regard to the recent remarks of Mr. Colin L. Powell, United States Secretary of State, to the effect that Jerusalem is the capital of Israel and that the United States Administration should move its embassy to the city.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 40 and 41, and of the Security Council.

(*Signed*) Mohammad J. **Sanıhan**
Ambassador
Permanent Representative

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Annex to the letter dated 13 March 2001 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

Statement adopted by the Council of Ministers of the United Arab Emirates on 12 March 2001 concerning the remarks made by the Secretary of State of the United States of America on the issue of Jerusalem

The Council of Ministers of the United Arab Emirates takes exception to the remarks that have been made by Mr. Colin L. Powell, United States Secretary of State, to the effect that Jerusalem is the capital of Israel and that the United States should move its embassy to the city.

The Council of Ministers considers these statements to be in flagrant violation of the United Nations and other resolutions determining that Jerusalem is part of the Arab territories that were occupied in June 1967 and that the same considerations apply to it as to all the other occupied Palestinian territories.

The Council of Ministers of the United Arab Emirates expresses its strong indignation at and categorical rejection of these statements as representing a manifest and blatant alignment with aggression and occupation and an abandonment of the United States role in the peace process in the Middle East and of impartiality and fairness.

The Council of Ministers of the United Arab Emirates is of the view that the position enunciated by the United States Secretary of State before Congress may compound the dangers confronting the region owing to the ongoing Israeli aggression and the unjust blockade that has been maintained against the fraternal Palestinian people for more than five months and that it will indeed have dire consequences, in particular for stability in the region and for relations between the United States and the Arab and Islamic countries.

The Council of Ministers therefore urges the United States of America to handle the issue of Jerusalem in a responsible and impartial manner, not only because of the city's central importance and sanctity for Muslims and Christians but also because the international community has taken the position of rejecting the occupation under which the Holy City has languished since June 1967. It has affirmed this position in Security Council resolutions 242 (1967) and 338 (1973) and the other Security Council and General Assembly resolutions stressing that the occupation is unlawful and that all of the measures to which it has given rise are null and void, as stated in particular in Security Council resolution 478 (1980).

The Council of Ministers takes this opportunity to renew the resolute support of the United Arab Emirates for Arab and Islamic rights in the Holy City and to state that it is essential to redeem the city from occupation so that it may serve as the capital of the independent State of Palestine.

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Security Council

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Letter dated 14 March 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to request you to convene an urgent meeting of the Security Council at which I can take the floor in order to express my country's concerns following the intensification of the war, which constitutes a serious setback for the ongoing peace process and endangers peace in Burundi and in the subregion.

The main object of the Security Council meeting would be to:

- Condemn once again the recent attacks by the Forces nationales de la libération (FNL)-Parti pour la libération du peuple hutu (PALIPEHUTU) and Forces pour la défense de la démocratie (FDD)-Conseil national pour la défense de la démocratie (CNDD) rebel groups, supported by the other "negative forces" fighting in the Democratic Republic of the Congo;
- Call on the signatories to the Agreement to give priority to the issue of the ceasefire instead of establishing the transitional institutions, which cannot function under current circumstances and even risk creating new problems;
- Remind the signatories of the Agreement and the rebel groups that without a ceasefire it will not only be impossible to implement the protocols to the Agreement, but in addition the United Nations will have difficulty in carrying out certain specific activities, including the sending of a protection and observation force to facilitate the implementation of the Agreement.

The Government of Burundi would like a resolution of the Security Council, or failing that a statement by the President, to be made public at the latest on Friday, 16 March 2001, before the holding in Arusha, from 19 to 24 March of the meeting of the Parties and that of the Implementation Monitoring for the Agreement.

Attached are two documents which will help the Security Council understand the reasons underlying this step by the Government of Burundi. They are:

- The note verbale addressed to the Secretary-General of the United Nations today, 14 March 2001 (see annex);
- The memorandum on the evolution of the peace process and the consequences of the escalation of the war in Burundi (see enclosure).

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I should like my letter and the annexed documents to be regarded as official documents of the Security Council and circulated to all its members.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

Annex to the letter dated 13 March 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

The Ministry for Foreign Affairs and Cooperation of the Republic of Burundi presents its compliments to the Secretary-General of the United Nations and has the honour to bring to his attention the attached memorandum (see enclosure) and to communicate to him the following.

The Government of the Republic of Burundi welcomes statement S/PRST/2001/6 of 2 March, in which the Security Council, having accurately appraised the situation in Burundi, strongly condemned the attacks by armed groups in Burundi and called on these groups to cease hostilities and to join the peace process.

The Government further:

- Notes the refusal of the armed groups to halt the hostilities and negotiate a ceasefire, despite the numerous approaches made to them by the Facilitator and the Government of Burundi;
- Notes the escalation of war and terrorism by the armed groups with a deliberate view to perpetuating the violence and causing implosion and chaos;
- Notes the alliance of the Burundian armed groups with the negative forces in the region, thus creating the spectre of "Somalization" and regionalization of the conflict;
- Notes the marked deterioration this has created in the environment of the Arusha Peace Agreement, which will be impossible to implement in a context in which efforts will have to be concentrated on the war thus imposed;
- Reaffirms the option of negotiation with the armed groups and declares its readiness to meet them at any time;

Meanwhile, must wage by all means the war that has been imposed on it.

The Ministry of Foreign Affairs and Cooperation of the Republic of Burundi, while expressing its thanks to the Security Council, which remains seized of the situation in Burundi, takes this opportunity to convey to the Secretary-General of the United Nations the renewed assurances of its highest consideration.

Done at Bujumbura on 14 March 2001.

The Secretary-General
of the United Nations
New York

Enclosure

Memorandum on the evolution of the peace process and the consequences of the escalation of the war

A. History of the Arusha process

1. June 1998

Start of the inter-Burundian negotiations in Arusha, United Republic of Tanzania.

At that time, the political-military movements CNDD and PALIPEHUTU were supposed to include their armed branches, FDD and FNL respectively.

2. Second half of 1998

The FDD and FNL armed factions broke with their parent political movements CNDD and PALIPEHUTU.

Immediately, the Government of Burundi insisted, but in vain, on the full inclusion in the negotiating process of these factions which had become independent and themselves said they wished to participate.

The Facilitation and the Regional Peace Initiative minimized the strength of these factions, which they said they wanted to and could destroy once the political agreement was concluded. The Government is not convinced of the relevance of this option.

3. Year 2000

The Facilitation undertook to invite the armed groups to the negotiations, but without success: they set prerequisites, and finally refused.

The Facilitator nevertheless obtained from these groups a promise to halt the hostilities and negotiate a ceasefire once the Peace Agreement was signed.

28 August 2000: Signature of the Peace Agreement amidst doubts. Clear reservations were expressed on the problem of the ceasefire. Article 2 of the Agreement itself provides that all measures will be taken by the region and the international community to neutralize the armed groups if they persist in a politically unjustified war.

The successful summits of heads of State of the region bowed before the evidence of the prolonged refusal by the armed groups to negotiate despite the threat of sanctions, an ultimatum on which was set for 20 October 2000 by the Nairobi Summit.

In November and December 2000 the armed groups stepped up the war and terrorism against the population and civilian objectives. Inter alia, they besieged the locality of Tenga (15 kilometres from the capital), tried to shoot down a SABENA aircraft and ambushed a bus operating an international route, massacring its passengers.

4. Year 2001

The Implementation Monitoring Committee to the Agreement was launched. However, it chose to base itself temporarily in Arusha for the stated reason of the continuing insecurity in Burundi and the absence of guarantees.

It should be noted that according to the Peace Agreement, the Implementation Monitoring Committee is responsible for determining when the conditions have been met for the effective initiation of the transitional institutions.

At the regional summit on 26 February 2001, the issue of the leadership, on which the Burundian Parties to the Agreement had found no solution in course of six months, was taken up by the Regional Initiative and the Facilitation in terms of sharing the transition period in two successive phases of 18 months each in which the President and Vice-President would be drawn in turn from the political-ethnic families of the G-10 and the G-7, in that order. That proposal has since been accepted by all. The signatories of the Agreement were asked to communicate the names of the first pair by 19 March, at the time of the next meeting of the Implementation Monitoring Committee.

The meeting between the Government and the FDD in Libreville on 9 January gave rise to hope of military negotiation. It must however be admitted that this initiative has failed now that the FDD have rejected any subsequent meeting to launch such negotiations.

The hope that the violence would end vanished from 24 February 2001 onwards on that date:

A strong offensive by the FDD was under way in the south-east of the country, at Buga on the Tanzanian border; it was in its fourth week;

An attack, as sudden as it was brutal, took place in the capital, Bujumbura, in Kinama district. The new urban guerrilla warfare campaign lasted almost 15 days, claiming many victims, displacing more than 50,000 people and causing destruction of infrastructure and housing;

B. Findings

1. The armed groups FDD and FNL continue to reject the many appeals made to them to suspend hostilities and embark on negotiating a ceasefire. These negotiations should have begun at the latest on 20 October 2000, following the expiry of the ultimatum given by the Regional Initiative at the Nairobi Summit.

2. The Regional Initiative has failed to impose sanctions on these groups as provided for in the Peace Agreements. It has preferred a step-by-step process of encouragement and persuasions. This policy remains unfruitful, despite the involvement of the Democratic Republic of the Congo, from which the FDD are operating.

3. In contrast, the two armed groups have escalated the war and the terrorism aimed at implosion and chaos.

4. Now that there is a prospect of effective implementation of the Lusaka Agreement, various information sources agree in reporting that the FDD are withdrawing towards Burundi, heavily equipped with weapons and munitions. Other

sources report the ongoing organization of a joint FDD-FNL command and the formation of an FDD corridor between South Kivu (Democratic Republic of the Congo) and Burundi to link up with the FDD forces which have traditionally operated in the north-west of Burundi.

5. Moreover, the presence in the ranks of the FNL of Rwandan Interahamwe and/or former FAR troops has long been established. The latest attack on the capital, in Kinama, proved this once again. In fact, the various rebel groups in the region have forged a cooperative alliance with a view to gaining or regaining power in their countries.

6. An operational FDD-FNL-ex-FAR-Interahamwe alliance in Burundi would pose all kinds of dangers, not only for Burundi, which would be Somalized, but also for neighbouring countries, which would be drawn into the conflict because of the Hutu (Bantu)-Tutsi (Nilotic) sensitivities that exist throughout the region, and even in certain southern African countries. That would be disastrous.

7. The above spectre of all-out war plunges Burundi once again into untenable instability. The environment for the implementation of the Peace Agreement is thereby tragically impaired and the feasibility of the objectives of normalizing society included in the various protocols to the Agreement becomes illusory. While the war is going on, it will not be possible:

For the national and international judicial commissions to conduct investigations design to shed light on the country's troubled path;

To establish institutions open to the diaspora, still less to the members of the armed groups, whom it is nevertheless important to involve in the task of stabilizing society;

To conduct the slightest reform of the forces of public order with a view to the integration and demobilization operations;

To repatriate the refugees and embark on economic reconstruction;

To deploy the international protection and observation forces under Chapter VI of the Charter of the United Nations intended to offer the guarantees provided for in the Peace Agreement.

C. Conclusion

When the Peace and Reconciliation Agreement was signed in Arusha on 28 August 2000, two essential issues remained to be resolved: the ceasefire and the leadership of the transition. Solution of these issues appeared essential in order to think of concrete and significant implementation of the Agreement.

1. As is indicated above, the issue of the ceasefire is still deadlocked. The deterioration on the ground has harmful repercussions on people's minds and on the priorities of the current or future Government.

2. This is making the establishment of the institutions provided for in the Agreement almost inappropriate and impossible for the time being. This is because:

The land ravaged by the war is unsuitable for the implementation of the programmes included in the Agreement;

As long as the war (and hence insecurity) is raging, the Burundian diaspora will not agree to return home to participate in the new institutions. Evidence of this is the fact that the Implementation Monitoring Committee for the Agreement cannot yet meet in Bujumbura for this reason;

Power sharing between the G-10 and G-7 families is not an end in itself. In the absence of a halt to the violence, it would resolve only the problem of speculation regarding jobs for politicians. No justification for a new egocentric regime incapable of halting the war and carrying out the reforms provided for in the Agreement will be able to convince the population, decimated by seven years of war. It expects peace above everything.

3. The Government of Burundi is of the view that the current priority must be assigned to the capability of ensuring security and combating the rebellion. A new leadership installed amid the current war-related constraints would weaken that capability.

4. Pending the ceasefire, a number of activities in preparation for the establishment of the transition can be conducted. The Government proposes, inter alia, to set up legal committees responsible for preparing preliminary drafts of:

An amendment to the 1992 Constitution in which the machinery of the Peace Agreement would be embodied;

A law on provisional immunity;

A law on the transitional Legislature;

A law on political parties.

5. The Government supports the Facilitator's efforts in his request for international observation and protection forces, which it has already accepted in principle. It nevertheless points out that unless the deployment of these forces is authorized under Chapter VII of the Charter of the United Nations (strengthening of peace), a ceasefire on the ground remains a prerequisite.

6. The Government reaffirms the option of direct negotiations with the armed groups. To this end, it encourages the steps being taken by the Vice-President of South Africa, which it hopes will reach a successful conclusion as soon as possible.

* * *

Burundi Peace Negotiations
Office of the Facilitator

9 March 2001

Sir,

Subject: Meeting of Parties: Arusha, 19-24 March 2001

On behalf of the Facilitator, H.E. Mr. Nelson Mandela, I have the honour to invite you, as Head of the Government delegation, to attend the meeting of the Parties which will take place in Arusha from 19 to 24 March 2001.

During the meeting held on 26 February 2001, the Summit of Heads of State of the Region drew up recommendations for the Parties, one of which relates to the leadership of the transition. To this end, the Parties are invited to meet in Arusha to resolve this issue.

The Presidency

(i) The G-10 is invited to make known the name of the person who will perform the duties of President of the Republic;

(ii) The G-7 is invited to make known the name of the person who will perform the duties of Vice-President.

The Government

(i) The Parties will have to reach agreement on the apportionment of the 26 ministerial portfolios;

(ii) Thereafter, the President and Vice-President will initiate discussions with each group concerned to appoint the individuals who will perform ministerial duties.

Each delegation will comprise a head of delegation and an adviser; this step had to be taken because of the limited financial resources available. The period of the meeting of heads of delegation coincides with that of the meeting of the Implementation Monitoring Committee for the Agreement, given that most members of the Committee are also the heads of delegation of the Parties.

Please confirm your participation in the meeting of the Parties in order to enable us to make the necessary arrangements.

Arrangements will be made to enable delegates to arrive in Arusha on 18 March 2001. For delegates coming from Burundi, a charter flight will leave Bujumbura at 9 a.m. local time and arrive at Kilimanjaro international airport at 12 noon East Africa time. The departure of all delegates is scheduled for 25 March 2001.

Accept, Sir, the assurances of my highest consideration.

For the Facilitator
(*Signed*) Judge Mark **Bomani**

H.E. Ambroise Niyonsaba
Minister responsible for the Peace Process
Bujumbura

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Letter dated 14 March 2001 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Wednesday, 14 March 2001, in the afternoon.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

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